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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/670,152	
	Filing Date	September 24, 2003	
	First Named Inventor	BENETTI, FEDERICO J.	
	Group Art Unit	3661	
	Examiner Name	Unassigned	
Total Number of Pages in This Submission	14	Attorney Docket Number	GUID-008CON2

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input checked="" type="checkbox"/> Request For Corrected Filing Receipt (1 pg.) <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): -Copy of Filing Receipt with changes in Red (2 pgs.) -Copy of the Status Inquiry (1 pg.) -Copy of Petition to Withdraw Holding of Abandonment Under 37 C.F.R & 1.181 (2pgs.) - Copy of Part B-Fee Transmittal in Duplicate (2 pgs.) - Copy of an Office Communication and Notice of Abandonment (2 pgs.) - Copy of the Date Stamped Return Postcards (3 pgs.)
Remarks		

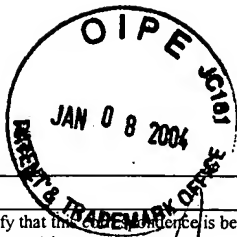
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name	ALAN W. CANNON, REG. NO. 34,977
Signature	
Date	January 5, 2004

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450	
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Atty Dkt. No.: GUID-008CON2
USSN: 10/670,152

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Typed or Printed Name		Maria Sousa	
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REQUEST FOR CORRECTED FILING RECEIPT Address to: Mail Stop: Application Number Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450		Attorney Docket	GUID-008CON2
		First Named Inventor	Federico J. Benetti
		Application Number	10/670,152
		Filing Date	September 24, 2003
		Group Art Unit	3661
		Examiner Name	Unassigned
		Title	Xyphoid Access for Surgical Procedures

Sir:

An updated filing receipt for the above-identified patent application has been issued by the U.S. Patent and Trademark Office (copy attached) and has been found to contain the following error(s):

- (1) The domestic priority data as claimed by applicant reads: **"This Application is a CON of 09/757,128 01/08/2001 ABN" but should read -- This Application is CON of 09/757,128 01/08/2001, Pending --**

The parent application, Application Serial No. 09/757,128 was improperly abandoned by the Office on October 29, 2003. Applicant's representative filed a Petition to Withdraw the Improper Holding and Abandonment on November 4, 2003 and a Status Inquiry on December 16, 2003, in an effort to remove the erroneous holding of abandonment. Copies of these documents, as well as copies of date stamped post cards as proof of such filings, are included herewith.

It is believe that no fee is required for this request, since the error was made by the U.S. Patent Office. If for any reason a fee is found to be necessary, the Commissioner is authorized to charge such fee to Deposit Account No. 50-2653, order number GUID-008CON2.

Respectfully submitted,
LAW OFFICE OF ALAN W. CANNON

Date:

January 5, 2004

By:

Alan W. Cannon

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/670,152	09/24/2003	3661	0.00	GUID-008CON2	7	12	2

CONFIRMATION NO. 2852

36154
 LAW OFFICE OF ALAN W. CANNON
 834 SOUTH WOLFE ROAD
 SUNNYVALE, CA 94086

FILING RECEIPT



OC000000011510670

Date Mailed: 12/17/2003

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Federico J. Benetti, Rosario, ARGENTINA;
 Charles S. Taylor, San Francisco, CA;
 Michael V. Morejohn, San Jose, CA;

Domestic Priority data as claimed by applicant

This application is a CON of 09/757,128 01/08/2001 ~~ABN~~ pending
 which is a CIP of 09/071,757 05/01/1998 PAT 6,199,556

Foreign Applications

If Required, Foreign Filing License Granted: 12/16/2003

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

Title

Xyphoid access for surgical procedures

Preliminary Class

701

COPY

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Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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